

AMENDED IN ASSEMBLY JULY 2, 2014
AMENDED IN SENATE JANUARY 17, 2014
AMENDED IN SENATE JANUARY 6, 2014
AMENDED IN SENATE MAY 7, 2013

SENATE BILL

No. 782

Introduced by Senator DeSaulnier
(Coauthor: Assembly Member Bocanegra)

February 22, 2013

An act to add and repeal Article 13.51 (commencing with Section 18846) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 782, as amended, DeSaulnier. Income taxes: voluntary contributions: California Sexual Violence Victim Services Fund.

The Personal Income Tax Law authorizes an individual to contribute amounts in excess of his or her tax liability for the support of specified funds.

This bill would additionally allow an individual to designate on his or her tax return that a specified amount in excess of his or her tax liability be transferred to the California Sexual Violence Victim Services Fund, which would be created by this bill. The bill would prohibit a voluntary contribution designation for the California Sexual Violence Victim Services Fund from being added on the tax return until another voluntary contribution designation is removed or a space is available.

The bill would require moneys in the California Sexual Violence Victim Services Fund, upon appropriation by the Legislature, to be allocated to the Franchise Tax Board and the Controller for

reimbursement of costs, as provided, and the balance to the Office of Emergency Services for allocation to the California Coalition Against Sexual Assault (CALCASA), for the award of grants to support CALCASA rape crisis center programs for victims of rape and sexual assault *the distribution of grants to specified rape crisis centers.*

The bill would provide that these provisions would remain in effect only until January 1 of the 5th taxable year following the first appearance of the California Sexual Violence Victim Services Fund on the tax return, but would further provide for an earlier repeal if the Franchise Tax Board determines that the amount of contributions estimated to be received during a calendar year will not equal or exceed the minimum contribution amount, as defined, for that calendar year, in which case these provisions would be repealed on December 1 of that year.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 13.51 (commencing with Section 18846)
2 is added to Chapter 3 of Part 10.2 of Division 2 of the Revenue
3 and Taxation Code, to read:

4
5 Article 13.51. California Sexual Violence Victim Services Fund
6

7 18846. (a) An individual may designate on the tax return that
8 a contribution in excess of the tax liability, if any, be made to the
9 California Sexual Violence Victim Services Fund established by
10 Section 18846.1. That designation is to be used as a voluntary
11 contribution on the tax return.

12 (b) The contributions shall be in full dollar amounts and may
13 be made individually by each signatory on a joint return.

14 (c) A designation under subdivision (a) shall be made for a
15 taxable year on the original return for that taxable year, and once
16 made shall be irrevocable. If payments and credits reported on the
17 return, together with any other credits associated with the
18 individual's account, do not exceed the individual's liability, the
19 return shall be treated as though no designation has been made. If
20 a designee is not specified, the contribution shall be transferred to
21 the General Fund after reimbursement of the direct actual costs of

1 the Franchise Tax Board for the collection and administration of
2 funds under this article.

3 (d) If an individual designates a contribution to more than one
4 account or fund listed on the tax return, and the amount available
5 is insufficient to satisfy the total amount designated, the
6 contribution shall be allocated among the designees on a pro rata
7 basis.

8 (e) The Franchise Tax Board shall revise the form of the return
9 to include a space labeled “California Sexual Violence Victim
10 Services Fund” to allow for the designation permitted under
11 subdivision (a). The form shall also include in the instructions
12 information that the contribution may be in the amount of one
13 dollar (\$1) or more and that the contribution shall be used to further
14 the services that California’s rape crisis centers provide for victims
15 of rape or sexual assault.

16 (f) Notwithstanding any other law, a voluntary contribution
17 designation for the California Sexual Violence Victim Services
18 Fund shall not be added on the tax return until another voluntary
19 contribution designation is removed or space is available.

20 (g) A deduction shall be allowed under Article 6 (commencing
21 with Section 17201) of Chapter 3 of Part 10 for any contribution
22 made pursuant to subdivision (a).

23 18846.1. There is hereby established in the State Treasury the
24 California Sexual Violence Victim Services Fund to receive
25 contributions made pursuant to Section 18846. The Franchise Tax
26 Board shall notify the Controller of both the amount of money
27 paid by taxpayers in excess of their tax liability and the amount
28 of refund money that taxpayers have designated pursuant to Section
29 18846 to be transferred to the California Sexual Violence Victim
30 Services Fund. The Controller shall transfer from the Personal
31 Income Tax Fund to the California Sexual Violence Victim
32 Services Fund an amount not in excess of the sum of the amounts
33 designated by individuals pursuant to Section 18846 for payment
34 into that fund.

35 18846.2. ~~(a)~~—All moneys transferred to the California Sexual
36 Violence Victim Services Fund, upon appropriation by the
37 Legislature, shall be allocated as follows:

38 (1)

1 (a) To the Franchise Tax Board and the Controller for
2 reimbursement of all costs incurred by the Franchise Tax Board
3 and the Controller in connection with their duties under this article.

4 (2)

5 (b) To the Office of Emergency Services for allocation to the
6 ~~California Coalition Against Sexual Assault (CALCASA) for the~~
7 ~~award of grants to support CALCASA rape crisis center programs~~
8 ~~for victims of rape and sexual assault upon the Office of Emergency~~
9 ~~Services receipt of a plan from CALCASA explaining how the~~
10 ~~contributions received pursuant to this article will be utilized the~~
11 ~~distribution of grants to rape crisis centers in California that are~~
12 ~~in active status, as reflected on the Business Search page of the~~
13 ~~Secretary of State's Internet Web site, and that are exempt from~~
14 ~~federal income taxation as an organization described in Section~~
15 ~~501(c)(3) of the Internal Revenue Code. The office of Emergency~~
16 ~~Services shall award grants and be responsible for overseeing the~~
17 ~~grant program.~~

18 ~~(A) The Office of Emergency Services shall ensure oversight~~
19 ~~of the allocation made pursuant to this paragraph.~~

20 ~~(1) A rape crisis center shall not use grant moneys awarded~~
21 ~~pursuant to this section for its administrative costs.~~

22 ~~(B)~~

23 ~~(2) The Office of Emergency Services shall not use these funds~~
24 ~~fund moneys for its administrative costs.~~

25 ~~(b) The Office of Emergency Services shall suspend the~~
26 ~~allocation of money to CALCASA if CALCASA does not submit~~
27 ~~a plan for the use of the contributions as required under paragraph~~
28 ~~(2) of subdivision (a), or if CALCASA is not in compliance with~~
29 ~~its obligations under Article 7 (commencing with Section 12580)~~
30 ~~of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government~~
31 ~~Code. In the event that the allocation of money is suspended for~~
32 ~~three or more years pursuant to this subdivision, the Office of~~
33 ~~Emergency Services may revoke the designation of CALCASA~~
34 ~~as the recipient of the contributions made pursuant to this article~~
35 ~~and shall designate a new organization that is exempt from federal~~
36 ~~income tax as an organization described in Section 501(e)(3) of~~
37 ~~the Internal Revenue Code for the purpose of awarding grants to~~
38 ~~support rape crisis center programs for victims of rape and sexual~~
39 ~~assault.~~

1 18846.3. (a) Except as otherwise provided in subdivision (b),
2 this article shall remain in effect only until January 1 of the fifth
3 taxable year following the first appearance of the California Sexual
4 Violence Victim Services Fund on the personal income tax return,
5 and is repealed as of December 1 of that year.

6 (b) (1) By September 1 of the second calendar year and each
7 subsequent calendar year that the California Sexual Violence
8 Victim Services Fund appears on the tax return, the Franchise Tax
9 Board shall do all of the following:

10 (A) Determine the minimum contribution amount required to
11 be received during the next calendar year for the fund to appear
12 on the tax return for the taxable year that includes that next calendar
13 year.

14 (B) Provide written notification to the Office of Emergency
15 Services of the amount determined in subparagraph (A).

16 (C) Determine whether the amount of contributions estimated
17 to be received during the calendar year will equal or exceed the
18 minimum contribution amount determined by the Franchise Tax
19 Board for the calendar year pursuant to subparagraph (A). The
20 Franchise Tax Board shall estimate the amount of contributions
21 to be received by using the actual amounts received and an estimate
22 of the contributions that will be received by the end of that calendar
23 year.

24 (2) If the Franchise Tax Board determines that the amount of
25 the contributions estimated to be received during a calendar year
26 will not at least equal the minimum contribution amount for the
27 calendar year, this article shall be inoperative with respect to
28 taxable years beginning on or after January 1 of that calendar year
29 and shall be repealed on December 1 of that year.

30 (3) For purposes of this section, the minimum contribution
31 amount for a calendar year means two hundred fifty thousand
32 dollars (\$250,000) for the second calendar year after the first
33 appearance of the California Sexual Violence Victim Services
34 Fund on the personal income tax return or the minimum
35 contribution amount as adjusted pursuant to subdivision (c).

36 (c) For each calendar year, beginning with the third calendar
37 year after the first appearance of the California Sexual Violence
38 Victim Services Fund on the personal income tax return, the
39 Franchise Tax Board shall adjust, on or before September 1 of that

1 calendar year, the minimum contribution amount specified in
2 subdivision (b) as follows:

3 (1) The minimum contribution amount for the calendar year
4 shall be an amount equal to the product of the minimum
5 contribution amount for the prior calendar year multiplied by the
6 inflation factor adjustment as specified in subparagraph (A) of
7 paragraph (2) of subdivision (h) of Section 17041, rounded off to
8 the nearest dollar.

9 (2) The inflation factor adjustment used for the calendar year
10 shall be based on the figures for the percentage change in the
11 California Consumer Price Index for all items received on or before
12 August 1 of the calendar year pursuant to paragraph (1) of
13 subdivision (h) of Section 17041.

14 (d) Notwithstanding the repeal of this article, any contribution
15 amounts designated pursuant to this article prior to its repeal shall
16 continue to be transferred and disbursed in accordance with this
17 article as in effect immediately prior to that repeal.